

Notice of Allowability

Application No.

10/748,136

Applicant(s)

VAN BEEK, CORNELIUS
JOANNES MARIA

Examiner

Meredith C Petravick

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-10.
3. ☒ The drawings filed on 31 December 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/8/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20050419.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mardson McQuay on 4/25/05.

The application has been amended as follows:

In the specification, on page 1, line 2, "DESCRIPTION" was replaced with the title --Background of the Invention--.

In the specification, on page 2, after line 22 and before line 23, the title -- Summary of the Invention -- was inserted.

In the specification, on page 4, after line 25 and before line 25, the title -- Brief Description of the Drawings -- was inserted.

In the specification, on page 5, after line 2 and before line 3, the title -- Detailed Description -- was inserted.

In claim 1, line 16, "characterized in that" was replaced with --wherein--.

In claim 2, line 1, "characterized in that" was replaced with --wherein--.

In claim 3, line 1, "characterized in that" was replaced with --wherein--.

In claim 4, line 1, "characterized in that" was replaced with --wherein--.

In claim 5, line 1, "characterized in that" was replaced with --wherein--.

In claim 6, line 1, "characterized in that" was replaced with --wherein--.

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In claim 7, line 1, “characterized in that” was replaced with –wherein--.

In claim 8, line 1, “characterized in that” was replaced with –wherein--.

In claim 9, line 1, “characterized in that” was replaced with –wherein--.

In claim 10, line 1, “characterized in that” was replaced with –wherein--.

In claim 10, line 2, “direction opposed the direction” was replaced with --
direction opposed to the direction--.

The abstract was replaced with:

-- An apparatus for threshing legumes has a frame, which is movable over a ground surface. A drum, which is rotatable about its at least substantially horizontally oriented axis of rotation, is mounted on the frame and has a drum surface provided with one or more openings. A main threshing element is disposed within the drum and is rotatable about its longitudinal axis, which extends at least substantially parallel to the axis of rotation of the drum. At least one auxiliary threshing element is disposed within the drum and is rotatable about its longitudinal axis, which extends at least substantially parallel to the axis of rotation of the drum. An additional conveying member is disposed within the drum for conveying the legumes to be threshed through the drum. The apparatus has a detection device that measures an angle of inclination of the apparatus with respect to the horizontal and a control device that control the additional conveying member on the basis of the measured angle of inclination. --

REASONS FOR ALLOWANCE

2. The following is an examiner’s statement of reasons for allowance:

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Independent claim 1 includes limitations drawn to a threshing apparatus having additional conveying means disposed within a drum. The apparatus also includes detection means that measure an angle of inclination of the apparatus and control means that control the additional conveying means on the basis of the measured angle of inclination. The combination of these limitations with the remainder of claim 1 are not found in the prior art of record.

Applicant increases and decreases the speed of the additional conveying means based on the angle of inclination of the apparatus. This allows the crop to flow to be even through the thresher whether or not the apparatus is on even ground. Looker et al., cited by applicant discloses a legume harvester with a drum similar to Applicant's. All of the components in the drum are driven by individual hydraulic motors. However, Looker et al. does not adjust the additional conveying means based on the inclination of the harvester. Instead, Looker et al. adjusts the entire harvester so that the drum and its components always remain horizontal, even on sloped ground.

Coers et al. also discloses the need to maintain crop flow in a harvester when the harvester is on uneven ground. However, Coers et al. does not disclose a drum having an additional conveying means. Coers et al. keeps the crop flow uniform by increasing and decreasing the speed of the entire harvester and not components within the drum.

For the reasons given above, claims 1-10 are allowed.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue


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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Meredith C Petravick
Primary Examiner
Art Unit 3671

April 19, 2005